

IN THE DRAWINGS:

The Drawings are amended as follows:

FIGS. 1-17 are amended to add the notation, "Prior Art."

Attachment: Replacement Drawing Sheet 1 including FIG. 1;
Replacement Drawing Sheet 2 including FIG. 2;
Replacement Drawing Sheet 3 including FIG. 3;
Replacement Drawing Sheet 4 including FIG. 4;
Replacement Drawing Sheet 5 including FIG. 5;
Replacement Drawing Sheet 6 including FIGS. 6 and 7;
Replacement Drawing Sheet 7 including FIG. 8;
Replacement Drawing Sheet 8 including FIG. 9;
Replacement Drawing Sheet 9 including FIG. 10;
Replacement Drawing Sheet 10 including FIG. 11;
Replacement Drawing Sheet 11 including FIG. 12;
Replacement Drawing Sheet 12 including FIG. 13;
Replacement Drawing Sheet 13 including FIG. 14;
Replacement Drawing Sheet 14 including FIG. 15;
Replacement Drawing Sheet 15 including FIG. 16; and
Replacement Drawing Sheet 16 including FIG. 17.

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-10 and 29-42 are currently pending. Claims 29-42 are hereby added. Claims 11-28 are hereby canceled. Claims 1 and 10 are independent. Claims 1, 5 and 10 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. SPECIFICATION OBJECTION

The title has been amended herein. Applicant respectfully requests withdrawal of the specification objection.

III. DRAWING OBJECTIONS

Figures 1-17 are amended herein to add the legend "Prior Art" as described above. Replacement drawing sheets are appended hereto.

IV. REJECTIONS UNDER 35 U.S.C. §102 AND §103

Claims 1, 2, 4, 6, 8, 10, 12-13, 15-17, 19, 21, 23-24 and 26-27 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,263,023 to Ngai;

Claims 5 and 18 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ngai in view of U.S. Patent No. 5,532,744 to Akiwumi-Assani et al. (hereinafter, merely “Akiwumi”);

Claims 9 and 22 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ngai in view of U.S. Patent No. 5,510,842 to Phillips et al. (hereinafter, merely “Phillips”); and

Claims 3, 7, 11, 14, 20, 25 and 28 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ngai and Official Notice.

Applicant respectfully traverses these rejections.

Independent claim 1, as amended, recites, *inter alia*:

“A decoding apparatus for decoding a coded stream, comprising:

...

a plurality of decoding means for decoding said speeded-up coded stream comprising a plurality of coded streams;

...

output control means for outputting, at an arbitrary playback speed, a picture corresponding to each of said plurality of coded streams of said speeded-up coded stream decoded by said plurality of decoding means.” (emphases added)

Claim 1 recites, “a plurality of decoding means for decoding said speeded-up coded stream comprising a plurality of coded streams” and “outputting . . . a picture corresponding to each of said plurality of coded streams.” *See, for example*, FIGS. 25-29 and the associated descriptions in pars. [0195]-[0221]. Thus, in the present invention, the speeded-up coded stream

includes multiple coded streams and a picture is output corresponding to each of the multiple coded streams. As discussed in the background of the present application, although the playback speed of conventional MPEG video decoders can be set to an arbitrary value by displaying I and P pictures repeatedly as many times as required, the motion of a displayed image becomes jerky. Another problem of the conventional MPEG video decoder is that a plurality of coded streams, which are input at the same time or which are included in a multi-channel multiplexed stream (transport stream) on which a plurality of channels of coded streams (elementary streams) supplied via digital video broadcasting are multiplexed, cannot be decoded at the same time to output all of the plurality of channels of decoded video signals at the same time or to output a selected one of the decoded video signals.

Ngai, Akiwumi and Phillips fail at least to disclose, teach or suggest providing “output control means for outputting, at an arbitrary playback speed, a picture corresponding to each of said plurality of coded streams of said speeded-up coded stream decoded by said plurality of decoding means” as recited in claim 1. The references fail to recognize the problems, discussed above, encountered when trying to alter the playback speed of the decoding apparatus such as shown in Ngai and Phillips. Because of the relationship between the pictures in the MPEG coded stream, either only predetermined playback speeds are possible due to the particular relationship between locations of the I-pictures, P-pictures and B-pictures, or the motion of the displayed image becomes jerky.

Thus, claim 1 is patentable over the Ngai, Akiwuma and Phillips because those references taken alone or in combination do teach or suggest each and every limitation recited in the claim. In particular, the references do not teach or suggest, “output control means for outputting, at an arbitrary playback speed, a picture corresponding to each of said plurality of

coded streams of said speeded-up coded stream decoded by said plurality of decoding means” as recited in claim 1.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claim 10 is also believed to be patentable.

V. CLAIMS 3, 7, 11, 14, 20, 25 AND 28

Applicants challenge the factual assertion as Not Properly Officially Noticed
or not Properly Based Upon Common Knowledge.

From the MPEP 2144.03(E): “Any rejection based on assertions that a fact is well-known or is common knowledge in the art without documentary evidence to support the examiner’s conclusion should be judiciously applied. Furthermore, as noted by the court in *Ahlert*, any facts so noticed should be of notorious character and serve only to ‘fill in the gaps’ in an insubstantial manner which might exist in the evidentiary showing made by the examiner to support a particular ground for rejection. *See, for example, In re Zurko*, 258 F.3d 1379, 1386; *In re Ahlert*, 424 F.2d 1088, 1092.”

Further, “[a]s noted by the court in *In re Ahlert*, 424 F.2d 1088, 1091 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be ‘capable of such instant and unquestionable demonstration as to defy dispute.’ (citing *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961)).” MPEP 2144.03.

In paragraph 8, the Office Action asserts, without support, “Official Notice is given that it is well known in the art to increase the play back speed (trick play) to a predetermined factor.” Later in the same paragraph, the Office Action asserts, again without support, “Official Notice is given that it is well known in the art to change first

value to a second value when selected picture data” for the element recited in claim 7, “when values stored in said storage means all become equal to a first value, a value stored therein corresponding to decoding means outputting said end signal indicating completion of decoding is changed from said first value to a second value.”

Applicants contend that this is a mere conclusory statement and an impermissible reliance on Official Notice. The Applicants contend these features are not of notorious character nor insubstantial. Certainly, the features recited in claims 3, 7, 11, 14, 20, 25 and 28 are not capable of “instant and unquestionable demonstration as to defy dispute.” These features are neither “basic knowledge” nor “common sense.” *In re Lee*, 277 F.3d 1338, 1345 (Fed. Cir. 2002) (“Deficiencies of the cited references cannot be remedied by the Board's general conclusions about what is ‘basic knowledge’ or ‘common sense.’”). Applicants contend that claims 5 and 6 recite substantive features that can not be overcome with Official Notice.

VI. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Claims 1-9 and 29-42 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or

references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: 

Paul A. Levy
Reg. No. 45,748
(212) 588-0800